IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2826 OF 2007
IN
SUIT NO.3564 OF 1986.

Phoenix Mills Ltd. ... Plaintiff.
Versus.
The Cotton Corporation of India Ltd. and another. ... Defendants.

Ms.Tamhane for the Plaintiff.

Shri U.J.Mahajan i/by M/s.Divekar & Co. for the Defendant No.1.

CORAM : ABHAY S.OKA, J.

DATED : 24th Sept., 2007.

P.C.:

1. Heard the learned Counsel appearing for the 1st Defendant in support of the Notice of Motion. He states that the Notice of Motion has been duly served to the Plaintiffs. He states that the 1st Defendant is pressing only prayer (b) at this stage and prayer (a) will be agitated at appropriate stage.

2. The learned Counsel appearing for the Plaintiffs seeks time.

3. Prayer (b) is only for grant of permission to the 1st Defendant to file written statement after condonation of delay. In view of the averments made in the affidavit-in-support of the Notice of Motion and especially the averments made in paragraph 10 thereof, prayer (b) of the Notice of Motion deserves to be

granted.

4. Accordingly Notice of Motion made absolute in terms of prayer clause (b). Written statement of the 1st Defendant shall be accepted, if the same is filed within a period of three weeks from today. The suit shall be set down for framing of issues on 24th October 2007.

Judge.